

ZONING BOARD OF APPEALS

The hearing on Tuesday, November 14, 2023, is called to order by Chairman Kwiek at 7:00pm.

Members present: John Jimenez

Greg Kalionwski

Ron Carey

Shawn Pralow

Harry Kwiek

Also: Phyllis Todoro, Town Atty

Bob Schafer, Alternate

Ray Balcerczak, Building Insp

Jim Lembke, Alternate

Absent:

Appeals Case #1443 for Danielle Gerlach of 41 S. Blossom Road, Elma, NY who is requesting an area variance to build a front porch with less than the required front yard setback §144-99 C4, Residential C.

Danielle Gerlach was present and explained what she was looking to do to the front of the house. Mr. Kwiek asked the distance of the porch, and the reply was eight feet from the front and twenty-two feet wide, not twenty-five. Mr. Kwiek also asked about the two driveways. Mr. Carey asked about the tree and the distance from the porch and Ms. Gerlach stated it would be 10-12 feet from the new porch.

Mr. Pralow asked if the new porch was going to be the access into the house and the reply was that it would be. Mr. Pralow also asked if the porch would be constructed this year, and her reply was yes.

No one spoke for or against the variance.

Mr. Pralow made the motion to approve the variance for Appeals Case #1443 for Danielle Gerlach of 41 S. Blossom Road, Elma, NY who is requesting an area variance to build a front porch with less than the required front yard setback §144-99 C4, Residential C, based on the following criteria:

- 1) Can not be achieved any other way.
- 2) No undesirable change confirms to the neighborhood.
- 3) No substantial change.
- 4) No adverse effect to environment
- 5) Not self-created.

Seconded by Mr. Kalinowski. Ayes - 5.

Appeals Case #1444 for Rebecca Wyzykiewicz/Crafted Concepts Entities of 1192-1196 Rice Road, Elma, NY who is requesting an area variance to create a common driveway for three parcels §144-33, Residential B & Residential C.

Mr. Kalinowski recused himself from the case.

Attorney Elizabeth Ducharme and Philip Gusmano were present to explain why they are seeking a variance. Mr. Kwiek asked who is purchasing the property in question and the reply was Crafted Concepts. Mr. Kwiek mentioned the fact that there is enough room for four driveways and Attorney Ducharme stated four driveways would not be feasible.

Mr. Carey said the driveway would be the same distance as if it was a separate driveway. Mr. Carey asked what the hardship is, and that the hardship is not stated in the letter or application that was submitted. Attorney Ducharme said that the portion going out to the road would be less of an issue with one driveway instead of four driveways. Mr. Gusmano mentioned that the steep driveways would be an issue and that there is an 8-foot elevation change going towards the train tracks.

Mr. Jimenez asked if it will be paved or stoned, and the intension is a paved driveway, and it would be twelve feet. Mr. Pralow asked if Attorney Ducharme is employed by Crafted Concepts, and she replied she is just the seller of the property. Mr. Schafer asked about the property description. Mr. Schafer also asked how many lots there are in total and was told there would be only one more lot that could be created.

No one spoke for or against the variance.

Mr. Carey made the motion to approve Appeals Case #1444 for Rebecca Wyzykiewicz/Crafted Concepts Entities of 1192-1196 Rice Road, Elma, NY who is requesting an area variance to create a common driveway for three parcels §144-33, Residential B & Residential C, based on the following criteria:

- 1) No other means of achieving.
- 2) No undesirable change confirms to the neighborhood.
- 3) No substantial change.
- 4) No adverse effect to environment
- 5) Not self-created in any way.

Seconded by Mr. Pralow Ayes – 4 Nays: Mr. Schafer

Motion to adjourn at 8:02 pm by Mr. Jimenez and seconded by Mr. Pralow.

Respectfully submitted,

Kerry Galuski
Zoning Board Secretary